

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-20724

vs.

HON. MARK A. GOLDSMITH

JERMAINE LASHAWN MCCLAIN,

Defendant.

ORDER

DENYING DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE (Dkt. 74)

Upon motion of Defendant (Dkt. 74) for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission,

IT IS ORDERED that the motion is:

GRANTED

DEFERRED pending supplemental briefing. The Court directs the United States Attorney to file a response on or before _____, along with all Bureau of Prisons records (medical, institutional, administrative) relevant to this motion. The Court grants leave to file any records with personal or sensitive information under seal. If Defendant desires to file a reply brief in support of the motion for compassionate release, the brief is due on or before _____.

DENIED after complete review of the motion on the merits.

DENIED WITHOUT PREJUDICE because Defendant has not exhausted all administrative remedies as required in 18 U.S.C. § 3582(c)(1)(A), nor have 30 days lapsed since receipt of Defendant's request by the warden of Defendant's facility.

SO ORDERED.

Dated: October 26, 2020
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 26, 2020.

s/Karri Sandusky
Case Manager